

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 304

HOUSE BILL 2360

AN ACT

AMENDING SECTIONS 37-623, 37-623.02 AND 37-624, ARIZONA REVISED STATUTES;
RELATING TO THE STATE FORESTER.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 37-623, Arizona Revised Statutes, is amended to
3 read:

4 37-623. Suppression of wildfires; powers and duties of state
5 forester; entry on private lands

6 A. The state forester shall have authority to prevent and suppress any
7 wildfires on state and private lands located outside incorporated
8 municipalities and, if subject to cooperative agreements, on other lands
9 located in this state or in other states, Mexico or Canada. If there is no
10 cooperative agreement, the state forester may furnish wildfire suppression
11 services on any lands in this state if the state forester determines that
12 suppression services are in the best interests of this state and are
13 immediately necessary to protect state lands.

14 B. In exercising the authority to prevent wildfires, if the state
15 forester declares a prohibition on fire causing activities and fireworks, the
16 state forester shall post a notice of the action in the office of the
17 secretary of state and shall notify the news media. The notice shall clearly
18 state which types of activities are prohibited, where they are prohibited and
19 whether permits that are issued by other governmental entities are affected
20 by the action.

21 C. The state forester shall have responsibility to prevent and
22 suppress wildfires only on lands covered by cooperative fire agreements.

23 D. The state forester may request the governor to declare a wild land
24 fire emergency pursuant to section 35-192 or ~~37-623.02~~, or both. If
25 liabilities are authorized under both sections 35-192 and 37-623.02, the
26 authorization under section 37-623.02 must be exhausted before any
27 liabilities may be incurred under section 35-192.

28 E. The state forester shall cooperate and coordinate with the state
29 fire marshal in the administration of the state fire code in the prevention
30 of fires on rural lands and wild lands.

31 F. The state forester may enter into cooperative agreements with other
32 state and federal agencies, departments and political subdivisions and any
33 person for:

34 1. Prevention and suppression of wildfires.

35 2. Assistance with fire and nonfire national and state emergencies and
36 multiagency logistical support in this state and other states.

37 3. Activities pursuant to the wildfire suppression assistance act
38 (P.L. 101-11; 103 Stat. 15; 42 United States Code sections 1856m through
39 1856o) in Mexico and Canada.

40 G. The state forester may enter private lands in performing the duties
41 under this section.

42 H. The state forester may enter into agreements to utilize private
43 landowners' equipment and personnel if the fire is on or adjacent to such
44 private landowners' property.

1 Sec. 2. Section 37-623.02, Arizona Revised Statutes, is amended to
2 read:

3 37-623.02. Emergencies; prohibiting fireworks; liabilities and
4 expenses; fire suppression revolving fund

5 A. On request of the state forester, the governor may declare a wild
6 land fire emergency and AUTHORIZE THE STATE FORESTER TO incur liabilities for
7 the emergency SUPPRESSING WILD LAND FIRES AND RESPONDING TO OTHER UNPLANNED
8 ALL RISK ACTIVITIES from unrestricted monies in the state general fund
9 whether or not the legislature is in session.

10 B. The state forester shall have the authority to prohibit the use of
11 fireworks during times of high fire potential in the unincorporated areas of
12 the state.

13 C. The state forester or the state forester's designee shall review
14 all liabilities incurred and expenditures made under this section and shall
15 report the expenditures to the department of administration within ninety
16 days after the end of the emergency proclamation for audit according to
17 department of administration rules. The state forester shall transmit a copy
18 of the report to the state emergency council.

19 D. Liabilities incurred under this section are subject to the
20 following limitations:

21 1. Each Wild land fire SUPPRESSION or other unplanned all risk
22 emergency declared by the governor authorizes the state forester to incur
23 liabilities SHALL not exceeding an aggregate amount of EXCEED two million
24 dollars OF STATE GENERAL FUND MONIES PURSUANT TO SUBSECTION A OF THIS SECTION
25 in a fiscal year for costs associated with suppressing wild land fires and
26 supporting other unplanned all risk activities such as fire, flood,
27 earthquake, wind and hazardous material responses. The state forester shall
28 not incur nonreimbursable liabilities for support of nonfire all risk
29 activities.

30 2. During periods of extreme fire danger, THE GOVERNOR MAY AUTHORIZE
31 THE STATE FORESTER TO SPEND an additional one million dollars may be spent
32 OF STATE GENERAL FUND MONIES PURSUANT TO SUBSECTION A OF THIS SECTION to
33 PREPARE FOR PERIODS OF EXTREME FIRE DANGER AND pre-position equipment and
34 OTHER fire suppression resources to provide for enhanced initial attack on
35 wild land fires. The governor shall determine when periods of extreme fire
36 danger exist and must approve any expenditure for pre-positioning activities.

37 3. If the funding authorizations in paragraph 1 or 2 of this
38 subsection are exhausted, OR IF THE NONREIMBURSABLE LIABILITIES INCURRED
39 EXCEED THE CASH BALANCE OF THE FIRE SUPPRESSION REVOLVING FUND, the state
40 forester shall not incur additional liabilities in any fire emergency without
41 the consent of a majority of the state emergency council AS AUTHORIZED BY
42 SECTION 35-192.

43 E. NO LATER THAN DECEMBER 31 OF EACH YEAR THE STATE FORESTER SHALL
44 SUBMIT A REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE AND THE GOVERNOR

1 DETAILING THE SPECIFIC USES OF ALL MONIES AUTHORIZED TO BE EXPENDED FROM THE
2 FIRE SUPPRESSION REVOLVING FUND AND ANY ADDITIONAL MONIES AUTHORIZED BY THE
3 GOVERNOR TO PREPARE FOR PERIODS OF EXTREME FIRE DANGER AND PRE-POSITION
4 EQUIPMENT AND OTHER FIRE SUPPRESSION RESOURCES TO PROVIDE FOR ENHANCED
5 INITIAL ATTACK ON WILD LAND FIRES.

6 F. MONIES RECEIVED FOR SUPPRESSING WILD LAND FIRES, PRE-POSITIONING
7 EQUIPMENT AND FIREFIGHTING RESOURCES AND OTHER UNPLANNED ALL RISK ACTIVITIES
8 MAY BE USED FOR THE PURPOSES OF SECTION 37-623 AND THIS SECTION.

9 E. G. The state forester shall adopt rules for administering the wild
10 land fire suppression monies authorized under this section, subject to
11 approval of the governor.

12 F. H. The state forester may require reimbursement from cities and
13 other political subdivisions of this state and state and federal agencies for
14 costs incurred in the suppression of wild land fires, PRE-SUPPRESSION OR
15 UNPLANNED ALL RISK ACTIVITIES. Reimbursement shall be based on THE TERMS AND
16 CONDITIONS IN cooperative agreements, land ownership or negligence. The
17 state forester may require reimbursement from individuals or businesses only
18 for costs incurred in the suppression of wild land fires OR UNPLANNED ALL
19 RISK ACTIVITIES caused ~~due to~~ BY their negligence or criminal acts.

20 G. I. A fire suppression REVOLVING fund is established for deposit
21 of monies received by the state forester for wild land fire suppression and
22 pre-positioning equipment and resources and for payment for activities
23 related to combating wild land fires and supporting other unplanned all risk
24 activities such as fire, flood, earthquake, wind and hazardous material
25 responses. The state forester shall not incur nonreimbursable liabilities
26 for support of nonfire all risk activities. The state forester shall
27 administer the fund, and all monies received from individuals, businesses,
28 cities, counties, other political subdivisions of this state, state or
29 federal agencies, forest owner fire protection cooperators or associations,
30 other fire cooperators or associations established for the purpose of
31 suppressing wild land fires, monies authorized under section 35-192 and
32 subsection A of this section, general fund appropriations, special
33 appropriations and advances or reimbursements that deal with pre-positioning
34 equipment and resources and wild land fire suppression FOR THESE activities
35 shall be deposited, pursuant to sections 35-146 and 35-147, in the fund.
36 Monies in the fire suppression REVOLVING fund are continuously appropriated
37 to the state forester, except that if the unobligated balance of the fund
38 exceeds six hundred thousand dollars at the end of any fiscal CALENDAR year,
39 the excess shall be transferred to the state general fund. Monies in the fire
40 suppression REVOLVING fund are otherwise exempt from the provisions of
41 section 35-190 relating to lapsing of appropriations.

1 Sec. 3. Section 37-624, Arizona Revised Statutes, is amended to read:
2 37-624. Cooperative forestry fund

3 A. The cooperative forestry fund is established. The state forester
4 shall administer the fund.

5 B. Except as otherwise provided in this chapter, the state forester
6 shall deposit to, PURSUANT TO SECTIONS 35-146 AND 35-147, IN this fund all
7 monies appropriated to this fund and monies received from individuals,
8 businesses, cities and towns, counties, other political subdivisions of this
9 state, other state agencies, federal agencies and any other sources.

10 C. ~~For fiscal years 1999-2000 and 2000-2001 Monies in the fund are~~
11 ~~continuously appropriated for the purpose of conducting the activities of the~~
12 ~~state forester. Beginning in fiscal year 2001-2002, monies in the fund are~~
13 ~~subject to legislative appropriation for the purpose of conducting the~~
14 ~~activities of the state forester.~~

15 D. Monies in the fund are exempt from the provisions of section 35-190
16 relating to lapsing of appropriations.

APPROVED BY THE GOVERNOR MAY 1, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2001.



Passed the House March 6, 20 01,

Passed the Senate April 19, 20 01,

by the following vote: 56 Ayes,

by the following vote: 30 Ayes,

2 Nays, 2 Not Voting

6 Nays, 0 Not Voting

Jake Flake
Speaker of the House
Pro Tempore
Sperman L. Fryer
Chief Clerk of the House

Randall Arant
President of the Senate
Charming Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20 _____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20 _____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2360

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20 _____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 24, 2001,

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25 day of April, 2001,

at 8:05 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 1 day of

May, 2001,

at 9:50 o'clock 9 M.

[Signature]
Governor of Arizona

H.B. 2360

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2001,

at 4:45 o'clock P M.

[Signature]
Secretary of State